



GRAPHICS COMMISSION APPLICATION

City of Columbus, Ohio • Department of Building & Zoning Services

757 Carolyn Avenue, Columbus, Ohio 43224 • Phone: 614-645-7433 • www.columbus.gov

OFFICE USE ONLY

Application Number: #13320-00160

Date Received: 11 MARCH 2013

Commission/Civic: UAC / UARB

Existing Zoning: _____

Application Accepted by: AF

Fee: \$1900-

Comments: _____

TYPE(S) OF ACTION REQUESTED

(Check all that apply)



Variance



Graphics Plan



Special Permit



Miscellaneous Graphic

Indicate what the proposal is and list applicable code sections. State what it is you are requesting.

Describe To allow off-premises sign banner within the Uniform Commercial Overlay. C.C. Sections 3372.606, 3375.12.

LOCATION

1. Certified Address Number and Street Name 364 W. Lane Avenue

City Columbus

State Ohio

Zip 43201

Parcel Number (only one required) 010-207716

APPLICANT

2. Name Orange Barrel Media

3. Address 3400 Southwest Blvd.

City/State Grove City, OH

Zip 43123

4. Phone # 294-4898

Fax # _____

Email _____

PROPERTY OWNER(S)

2. Name Riverwatch Tower Condominium Association

3. Address 364 W. Lane Ave.

City/State Columbus, OH

Zip 43201

4. Phone # _____

Fax # _____

Email _____

☐ Check here if listing additional property owners on a separate page.

ATTORNEY / AGENT (CIRCLE ONE)

8. Name Jeffrey L. Brown / David Hodge / Smith & Hale LLC

9. Address 37 W. Broad St., Suite 725

City/State Columbus, OH

Zip 43215

10. Phone # 221-4255

Fax # 221-4409

Email _____

SIGNATURES

11. Applicant Signature Orange Barrel Media

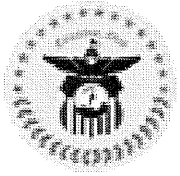
By: David Hodge

12. Property Owner Signature Riverwatch Tower Condominium Association

By: David Hodge

13. Attorney / Agent Signature _____

David Hodge
David Hodge
David Hodge



CITY OF COLUMBUS

DEPARTMENT OF BUILDING AND ZONING SERVICES

One Stop Shop Zoning Report Date: Thu Mar 28 2013

General Zoning Inquiries: 614-645-8637

SITE INFORMATION

Address: 364 W LANE AVE Unit 100 COLUMBUS, OH

Mailing Address: 7304 RIVERHILL RD

OXON HILL MD 20745

Owner: MCKITRICK ROBERT L & MESC/

Parcel Number: 010207797

ZONING INFORMATION

Zoning: ORIG, Commercial, C4

effective 2/27/1928, Height District H-35

Board of Zoning Adjustment (BZA): N/A

Commercial Overlay: UNIVERSITY UCO

Graphic Commission: N/A

Area Commission: University Area Commission

Planning Overlay: University

Historic District: N/A

Historic Site: No

Council Variance: N/A

Flood Zone: OUT

Airport Overlay Environs: N/A

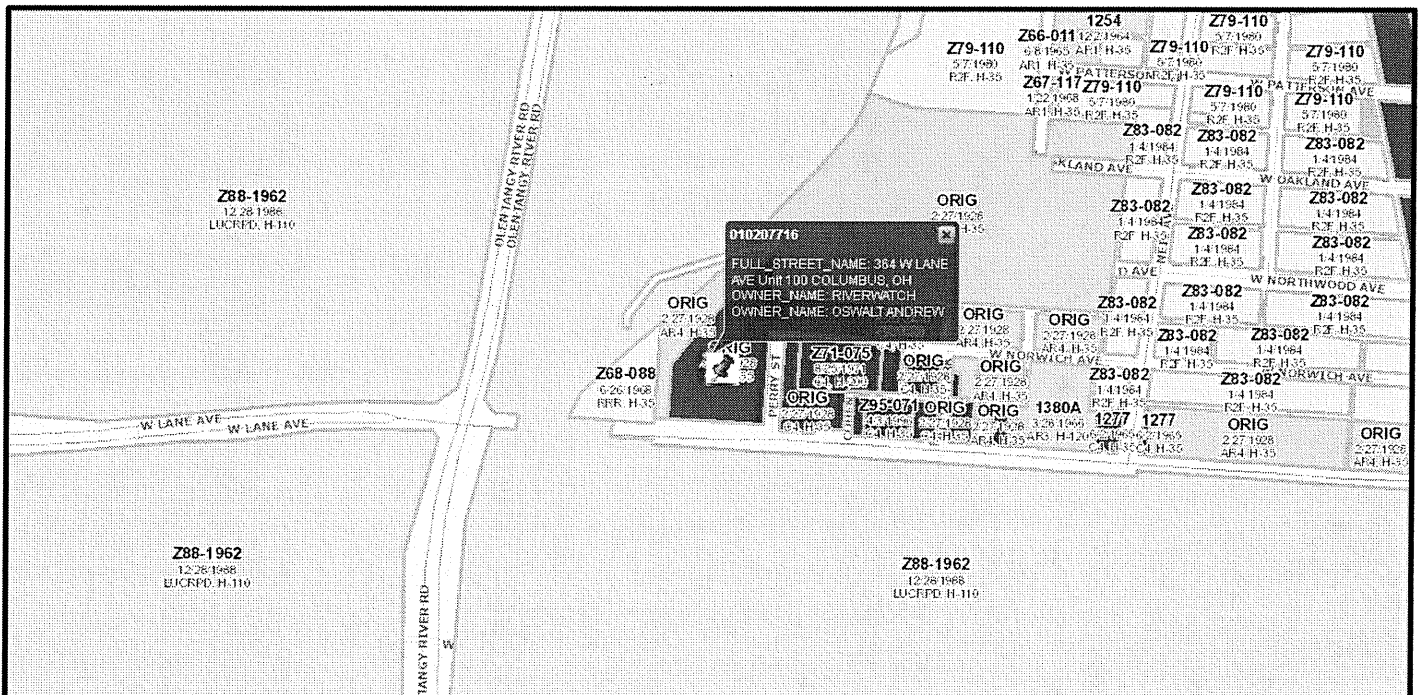
PENDING ZONING ACTION

Zoning: N/A

Board of Zoning Adjustment (BZA): N/A

Council Variance: N/A

Graphic Commission: N/A





(M) = Item required for Miscellaneous Graphics Commission action, including banners.

GRAPHICS COMMISSION APPLICATION

City of Columbus, Ohio • Department of Building & Zoning Services

757 Carolyn Avenue, Columbus, Ohio 43224 • Phone: 614-645-7433 • www.columbus.gov

AFFIDAVIT

(See next page for instructions)

APPLICATION # _____

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME David Hodge

of (1) MAILING ADDRESS 37 W. Broad St., Suite 725, Columbus, OH 43215

deposed and states that (he/she) is the applicant, agent, or duly authorized attorney for same and the following is a list of the name(s) and mailing address(es) of all the owners of record of the property located at

(2) per CERTIFIED ADDRESS FOR PROPERTY 364 W. Lane Avenue

for which the application for a rezoning, variance, special permit or graphics plan was filed with the Department of Building and Zoning Services, on (3) _____

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME
AND MAILING ADDRESS

(4) Riverwatch Tower Condominium Association
364 W. Lane Ave.
Columbus, OH 43215

APPLICANT'S NAME AND PHONE #
(same as listed on front of application)

Orange Barrel Media
294-4898

AREA COMMISSION OR CIVIC GROUP
AREA COMMISSION ZONING CHAIR OR
CONTACT PERSON AND ADDRESS

(5) University Area Commission
c/o Mrs. Susan Keeny
358 King Ave., Columbus, OH 43201

and that the following is a list of the **names** and **complete mailing addresses**, including **zip codes**, as shown on the **County Auditor's Current Tax List or the County Treasurer's Mailing List**, of all the **owners of record of property within 125 feet** of the exterior boundaries of the property for which the application was filed, **and** all of the owners of any property within 125 feet of the applicant's or owner's property in the event the applicant or the property owner owns the property contiguous to the subject property:

(6) PROPERTY OWNER(S) NAME (6A) ADDRESS OF PROPERTY (6B) PROPERTY OWNER(S) MAILING ADDRESS

Please see attached list.

☐ (7) Check here if listing additional property owners on a separate page.

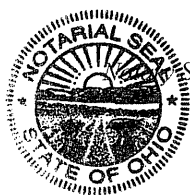
SIGNATURE OF AFFIANT

Subscribed to me in my presence and before me this

SIGNATURE OF NOTARY PUBLIC

My Commission Expires:

(8) David Hodge
day of March, in the year 2013
(8) Natalie C. Timmons
9/4/15



Natalie C. Timmons
Notary Public, State of Ohio
My Commission Expires 09-04-2015



GRAPHICS COMMISSION APPLICATION

City of Columbus, Ohio ▪ Department of Building & Zoning Services
757 Carolyn Avenue, Columbus, Ohio 43224 ▪ Phone: 614-645-7433 ▪ www.columbus.gov

STATEMENT OF HARDSHIP

APPLICATION #

3382.05 Variance.

Any request for a Variance from this Graphics Code shall be heard and decided by the Graphics Commission as provided by the Graphics Code.

- A. The Graphics Commission shall have the power, upon application, to grant a Variance from one (1) or more provisions of this Graphics Code. No Variance shall be granted unless the Commission finds that a hardship exists, based upon special physical conditions which:
1. Are due to exceptional shallowness, shape, topographic conditions or other extraordinary situations peculiar to the premises itself; or
 2. Differentiate the premises from other premises in the same zoning district and the general vicinity; or
 3. Prevent a reasonable return in service, use or income compared to other conforming premises in the same district; and
 4. Where the result of granting the variance will not be injurious to neighboring properties and will not be contrary to the public interest or to the intent and purpose of the Graphics Code.
- B. In granting a Variance, the Graphics Commission may impose such requirements and conditions regarding the location, character, and other features of the *graphics* as the Commission deems necessary to carry out the intent and purpose of this Graphics Code and to otherwise safeguard the public safety and welfare.
- C. Nothing in this Graphics Code shall be construed as authorizing the Commission to affect changes in the Zoning Map or to add to the uses permitted in any zoning district.

I have read Section 3382.05 Variance, and believe my application for relief from the requirements of the Graphics Code satisfies the four criteria for a variance in the following ways:
Please see attached statement.

Signature of Applicant _____ Date _____

364 West Lane Avenue

The applicant is requesting Graphics Commission approval to install a banner sign on the Riverwatch Tower building. This approval would consist of the grant of a Special Permit pursuant to C.C. Section 3375.12 to allow for an off-premises banner, and the grant of a variance to C.C. Section 3372.606 to allow off-premise graphics within the Urban Commercial Overlay. The Graphics Commission previously approved banners on this building, though subject to time limitations. The intent of this request is to establish standards applicable to signage at this location and to permit signage within the confines of those standards on a permanent basis.

The request is to permit one banner location on the south façade of the building with a maximum size of 1,400 square feet. The sign shall be properly maintained and not be allowed to fall into a state of disrepair or deterioration. Advertising text on the sign shall be limited to five (5) percent of the total sign area. Graphics shall be composed of paint, vinyl, plastic or other similar materials and applied to the wall surface of the building either directly or by means of an approved mounting system.

This signage type is not the type of sign that was contemplated and sought to be prohibited by C.C. 3372.606. That section prohibits signs with flashing lights or bare bulbs, rotating signs, monopole signs, and automatic changeable copy signs, among others. To lump this banner signage type into the category with that type of signage is inappropriate and the C.C. 3372.606 prohibition should not be strictly applied to this applicant and warrants the grant of a variance.

The grant of the requested variance will not be injurious to neighboring properties and will not be contrary to the public interest or to the intent and purpose of the Graphics Code. Additionally, this graphic may be granted without substantial detriment to the public good, without substantial impairment of the general purpose and intent of this zoning district, and without significant incompatibility with the general character of the neighborhood.

Orange Barrel Media

Signature of Applicant: By: David Hyde

Date: March 8, 2013

CITY OF COLUMBUS GRAPHICS COMMISSION

**IN RE: APRIL 2013 GRAPHICS COMMISSION APPLICATION
364 WEST LANE AVENUE**

**ORANGE BARREL MEDIA
Applicant**

APPLICANT'S MERIT BRIEF

The applicant, Orange Barrel Media, has applied for a hearing before the Columbus Graphics Commission requesting the grant of a Variance to allow an off-premise graphic within the Urban Commercial Overlay and a Special Permit for the installation of an off-premise banner. This same request has been before the Graphics Commission previously, it was approved on several occasions with time limitations, then ultimately disapproved when requested on a permanent basis. That disapproval was appealed to the Franklin County Environmental Court who dismissed the appeal on the basis that it was a use variance that should have been determined by Columbus City Council. The Court of Appeals overruled the Environmental Court's decision and remanded the matter for a decision on the merits. By agreement of Orange Barrel Media and the City of Columbus, a decision by the Environmental Court on the merits of that appeal is stayed pending an alternative resolution. The applicant filed a new application to permit the banner on a permanent basis subject to certain design, maintenance, mounting and materials commitments. The approval of this request will result in dismissal of the pending appeal.

The facts warrant the grant of the Variance and Special Permit. All standards from the Columbus Zoning Code and case law precedent are met, such that the Graphics Commission must approve the request. The proposal is consistent with signage throughout the neighborhood. Similar banner signage has been used on buildings on the campus of the Ohio State University in the immediate vicinity.

Variance

The Columbus Graphics Commission must grant the applicant the requested variance, to do otherwise would be arbitrary, unreasonable, and inconsistent with the Columbus City Code and Ohio case law precedent. The Ohio Supreme Court, in determining the applicable standard for cases involving variances has stated, "[t]he standard for granting a variance which relates solely to area requirements should be a lesser standard than that applied to variances which relate to use. An applicant for an area variance need not establish unnecessary hardship; it is sufficient that the applicant show practical difficulties." Kisil v. Sandusky, (1984), 12 Ohio St.3d 30.

The Ohio Supreme Court in Duncan v. Middlefield (1986), 23 Ohio St.3d 83, held, the *spirit* rather than the *strict letter* of the zoning ordinance should be observed so that *substantial justice is done*. It can safely be said that a property owner encounters

‘practical difficulties’ whenever an area zoning requirement unreasonably deprives him of a permitted use of his property. The key to this standard is whether the zoning requirement, as applied to the property owner in question, is *reasonable*.

“The factors to be considered and weighed in determining whether a property owner seeking an area variance has encountered practical difficulties in the use of his property include, but are not limited to: (1) whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance; (2) whether the variance is substantial; (3) whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance; (4) whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, garbage); (5) whether the property owner purchased the property with knowledge of the zoning restriction; (6) whether the property owner’s predicament can be obviated through some method other than a variance; and (7) whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.” Id. at 215.

Each of these standards is stated hereafter in italics, with application of this specific signage request addressing each standard thereafter.

1. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance

This standard applies to an example where lot size, etc. would prevent an otherwise permitted use of the property, and does not apply in this instance.

2. Whether the variance is substantial.

No. The requested variance is not substantial. The section of the Columbus City Code from which the applicant is requesting a variance, provides in relevant part, “...the following types of signs shall not be permitted: off-premise signs, billboards, signs with flashing lights or bare bulbs, co-op signs, rotating signs, monopole signs, automatic changeable copy signs, projecting signs and roof-mounted signs.” The applicant is requesting an off-premises sign. The signage requested is a wallscape sign, comparable to the signage that is very popular in the Columbus downtown area and at Easton Town Center, and has been used on campus of the Ohio State University. To lump this wallscape type of signage in to the category with billboards, signs with flashing lights, rotating signs and automatic changeable copy signs is unreasonable and the strict application of this section of the Columbus City Code leads to an unjust result for the property owner and this applicant.

In addition, there has been other comparable signage in the area, such as a banner located on the primary façade / entrance to the Schottenstein Center, and across the street on St. John’s Arena. Also, there is other signage that does not comply with the C.C. 3372.606

requirement in the area, such as electronic changeable copy signage located between this property and High Street to the east, and a roof-mounted billboard along High Street.

3. *Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance.*

No. The essential character of the neighborhood would not be substantially altered and adjoining properties would not suffer a substantial detriment upon the grant of the variance. As previously mentioned, signage not in strict compliance with C.C. 3372.606 is already located in the immediate area. This property is located in the area of The Ohio State University and its amenities, and is consistent with and supportive of the character of the neighborhood. Most importantly, this same type of wallscape signage regularly occurs on the campus of The Ohio State University.

4. *Whether the variance would adversely affect the delivery of governmental services (e.g. water, sewer, garbage)*

No.

5. *Whether the property owner purchased the property with knowledge of the zoning restriction.*

No. The development and ownership of this property predates the adoption and implementation of the Urban Commercial Overlay and C.C. 3372.606, which is the section of the Columbus City Code that would prevent the proposed signage.

6. *Whether the property owner's predicament feasibly can be obviated through some method other than a variance.*

No.

7. *Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.*

Yes. The spirit and intent of the Columbus City Code and of the Urban Commercial Overlay will be observed and substantial justice will be done by granting the variance. The intent of the Urban Commercial Overlay is stated in C.C. 3372.601 as follows:

The purpose of the Urban Commercial Overlay (UCO) is to regulate development in specifically designated areas in order to protect, re-establish and retain the unique architectural and aesthetic characteristics of older urban commercial corridors. Such corridors are typically characterized by pedestrian-oriented architecture, building setbacks ranging from zero (0) to ten (10) feet, rear parking lots, commercial land uses, a street system that incorporates alleys and lot sizes smaller than one-half (1/2) acre.

The provisions of the UCO are intended to encourage pedestrian-oriented development featuring retail display windows, reduced building setbacks, rear parking lots, and other pedestrian-oriented site design elements. Use of this overlay also serves as a means of implementing key policy recommendations of neighborhood plans and design studies.

To the contrary of this statement of the purpose of the UCO, this property is developed with a use that is: (1) primarily residential; (2) is an auto-oriented use and structure; (3) the building setback is considerable, and considerably greater than other structures between Lane Avenue and Olentangy River Road; (4) the parking lot is in the front of the structure; and (5) the street system does not incorporate alleys or lot sizes smaller than one-half (1/2) acre.

This property has none of the typical features of UCO properties, neither should it be held strictly to standards adopted to serve such property.

The spirit and intent of 3372.606 is to prevent signage that many consider to be offensive and that detract aesthetically from the neighborhood. The type of signage that this section seeks to regulate are billboards, signs with flashing lights, rotating signs, monopole signs and automatic changeable copy signs, among others. This is not the type of signage that was intended to be prohibited by the Urban Commercial Overlay. This wallscape type of signage was pioneered in Columbus by the applicant and is found in other appropriate urban Columbus areas such as downtown, Easton Town Center, and, like the subject property, around the campus of The Ohio State University. In other urban areas, this approved signage medium has been deemed to improve the aesthetic and to be consistent with the Columbus City Code.

The key to the “practical difficulties” test is “whether the area zoning requirement, as applied to the property owner in question, is *reasonable*.” *Id.* (Emphasis added). It is also important to note that according to the Ohio Supreme Court, “no single factor controls” of the seven practical difficulty standards. *Id.*

It is abundantly evident that this variance request meets, even exceeds, the factors to be considered and weighed in a variance request. Six of the seven factors weigh in favor of a finding that this request meets the practical difficulties test and that the variance should be granted. The only factor that the variance request arguably does not meet is factor 1, simply because it does not apply to this particular circumstance. Application of the standards enunciated by the Ohio Supreme Court in the Duncan v. Middlefield case to this applicant’s variance request mandate that it be granted.

Columbus City Code Section 3382.05 – Variance, provides separate standards to be met by an applicant in a request for a variance from the Graphics Code, this section provides:

“The graphics commission shall have the power, upon application, to grant a variance from one (1) or more provisions of this Graphics Code. No

variance shall be granted unless the commission finds that a hardship exists, based upon physical conditions which:

1. Are due to exceptional shallowness, shape, topographic conditions or other extraordinary situations peculiar to the premises itself; or
2. Differentiate the premises from other premises in the same zoning district and the general vicinity; or
3. Prevent a reasonable return in service, use or income compared to other conforming premises in the same district; and
4. Where the result of granting the variance will not be injurious to neighboring properties and will not be contrary to the public interest or to the intent and purpose of this Graphics Code.”

As with the *Duncan* standards above, each of these are restated and addressed hereafter.

- 1. Are due to exceptional shallowness, shape, topographic conditions or other extraordinary situations peculiar to the premises itself.*

This property is located along Lane Avenue, east of its intersection with Olentangy River Road, in the area of The Ohio State University. The property is adjacent to the Olentangy River and the building is oriented to Lane Avenue. The building is setback a considerable distance more than the other buildings along the north side of Lane Avenue in this area. This building orientation and setback differential to the other buildings in the area, and the height of the building make this signage proposal appropriate. In addition, there is regularly other comparable signage in the area, such as a much more visible banner located on the primary façade / entrance to the Schottenstein Center, and across the street from the subject property on St. John’s Arena. Further, there is electronic changeable copy signage between this property and High Street to the east.

- 2. Differentiate the premises from other premises in the same zoning district and the general vicinity.*

This premises is clearly different from others to which the UCO applies. This building is setback a considerable distance greater than the other properties along the north side of Lane Avenue with road frontage, and is considerably taller. The banner is on the south side of the building and therefore primarily visible to motorists and pedestrians travelling along Lane Avenue. The buildings in the general vicinity include sports / entertainment venues, major institutional uses, and multi-story residential towers. This property has a mixed zoning of AR-4 and C-4, and *primarily* consists of residential uses. **If this building was used exclusively as residential, the UCO would not apply. It is only because there are some first floor non-residential uses that a variance is even necessary.**

3. *Prevent a reasonable return in service, use or income compared to other conforming premises in the same district.*

To not permit this applicant to provide this appropriate signage in an area where there is other comparable signage, and where there is other signage not in compliance with C.C. Section 3372.606 would be unreasonable and arbitrary.

4. *Where the result of granting the variance will not be injurious to neighboring properties and will not be contrary to the public interest or to the intent and purpose of this Graphics Code.*

The grant of this variance will not be injurious to neighboring properties and will not be contrary to the public interest or intent and purpose of the Graphics Code. The approval of this request will allow this property a banner, consistent with banners that occur in the immediate neighborhood, on buildings across the street. This is a condominium property comprised of many different individual property owners with a significant financial investment in this building as well as the neighborhood and environment. The Riverwatch Tower Condominium Association Board, as representatives to the owners within Riverwatch Tower Condominium, are supportive of this request.

This type of signage is appropriate urban signage, more so due to the unique characteristics of this property and the location of the building on the property. The question that must be asked is, is this signage reasonable in light of the surrounding circumstances? The surrounding circumstances here are that there is signage in the immediate area that does not conform to this section of the Columbus City Code and this wallscape banner concept already exists in the immediate area, on and around campus of The Ohio State University.

The applicant's signage proposal meets the *Duncan* standards as enunciated by the Ohio Supreme Court in Duncan v. Middlefield. The proposal meets the standards of Columbus City Code Section 3382.05. Signage that is contrary to Section 3372.606 currently exists on properties that are adjacent to the subject property. This same type of wallscape banner currently exists within the campus of The Ohio State University, which nearly entirely surrounds this property. Furthermore, this wallscape signage is not the specific type of signage sought to prohibited by the Urban Commercial Overlay and Section 3372.606.

The applicant respectfully requests the grant of the requested variance. A decision by the Graphics Commission denying this request will be contrary to C.C. Section 3382.05, and the Ohio Supreme Court's decision in Duncan v. Middlefield, and thereby unconstitutional, illegal, unreasonable, and unsupported by the preponderance of substantial, reliable, and probative evidence.

Special Permit

The applicant meets the special permit requirements of C.C. 3382.06 – Special permit, therefore the Graphics Commission must grant the requested special permit to permit the installation of an off-premises graphic. To do otherwise would be unconstitutional, illegal, unreasonable and unsupported by the preponderance of substantial, reliable, and probative evidence. A special permit¹ “designates a species of administrative permission which allows a property owner to put his property to a use which the regulations expressly permit under conditions specified in the zoning regulations.” Nunamaker v. Board of Zoning Appeals of Jerusalem Twp. (1982), 2 Ohio St.3d 115, 116. “[T]he authorization of such a use in the ordinance means that a community cannot arbitrarily deny a property owner’s conditional use application simply because the use is no longer considered desirable.” Kabatek v. City of North Royalton City Council (1998 WL 6952 (Ohio Ct. App. 8th Dist. Cuyahoga County 1998)). “In issuing a conditional zoning certificate, a board of zoning appeals is governed by whatever terms and conditions are imposed by the ordinance.” Gillispie v. Stow (1989), 65 Ohio App.3d 601.

Columbus City Code Section 3382.06 provides that the Graphics Commission may grant special permits: (1) where it is shown that the special permit can be granted without substantial detriment to the public good; (2) without substantial impairment of the general purpose and intent of the zoning district in which the use is proposed to be located; and (3) without significant incompatibility with the general character of the neighborhood.

The grant of this special permit will not cause any detriment to the public good. This property is located in the urban area of The Ohio State University. There have been comparable building banner signs visible from the subject property and within the campus area of The Ohio State University, across the street from the property. Furthermore, there are electronic changeable copy signs between this property and High Street to the east. The applicant further expressly incorporates all of the rationale used in the variance justification section as further justification for the grant of the special permit. This signage will cause no detriment to the general purpose and intent of the zoning district. It is an appropriate sign in an appropriate location. The applicant meets the special permit requirements of C.C. 3382.06 – Special permit, therefore the Graphics Commission must grant the requested special permit to permit the installation of an off-premises graphic. To do otherwise would be unconstitutional, illegal, unreasonable and unsupported by the preponderance of substantial, reliable, and probative evidence.

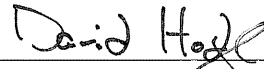
Conclusion

The Graphics Commission has previously temporarily approved a banner the exact same size and in the exact same location as the current request. Implicit in that determination is that the proposed banner met the requirements of both C.C. 3382.05 and C.C. 3382.06. The applicant now appears with the same request, without any change in circumstances to the surrounding properties or in the area that would make the request inappropriate. Case

¹ “Conditional use” and “Special exception” are frequently used to express this same concept.

law precedent supports the grant of this request, the Columbus City Code supports the grant of this request, this Graphics Commission supported this request in February 2010, and the Zoning Committee of the University Area Commission has previously supported this request. The applicant therefore respectfully requests approval of the Variance and Special Permit requests, making permanent what it deemed appropriate temporarily.

Respectfully submitted,



Jeffrey L. Brown

David Hodge

Smith & Hale LLC

37 W. Broad St, Suite 725

Columbus, OH 43215

(614) 221-4255 phone

(614) 221-4409 fax

jlbrown@smithandhale.com



GRAPHICS COMMISSION APPLICATION

City of Columbus, Ohio ▪ Department of Building & Zoning Services
757 Carolyn Avenue, Columbus, Ohio 43224 ▪ Phone: 614-645-7433 ▪ www.columbus.gov

PROJECT DISCLOSURE STATEMENT

Parties having a 5% or more interest in the project that is the subject of this application.

THIS PAGE MUST BE FILLED OUT COMPLETELY AND NOTARIZED. Do not indicate 'NONE' in the space provided.

APPLICATION # _____

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) David Hodge

Of (COMPLETE ADDRESS) 37 W. Broad St., Suite 725, Columbus, OH 43215

deposes and states that (he/she) is the APPLICANT, AGENT OR DULY AUTHORIZED ATTORNEY FOR SAME and the following is a list of all persons, other partnerships, corporations or entities having a 5% or more interest in the project which is the subject of this application and their mailing addresses:

[illegible]

SIGNATURE OF AFFIANT

Subscribed to me in my presence and before me this 25 day of March, in the year 2013

SIGNATURE OF NOTARY PUBLIC

My Commission Expires:



Natalie C. Timmons
Notary Public, State of Ohio
My Commission Expires 09-04-2015